



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

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December 16, 2022

VIA ECF

Hon. Jesse M. Furman
United States District Court
Southern District of New York
40 Centre Street, Room 2202
New York, New York 10007

Re: *State of New York v. Arm or Ally, LLC, et al.*, No. 22-cv-06124 (JMF)

Dear Judge Furman:

On behalf of Plaintiff the People of the State of New York (the “State”), we write with two requests and a pertinent update.

First, due to the intervening holidays, the complexities in coordinating with ten Defendants, and the State’s interest in continuing settlement discussions with certain Defendants at this early stage, the State respectfully requests a two-week adjournment of the upcoming pretrial conference and the pre-conference submission time. By its December 8 Order, the Court has required that the parties submit their joint pre-conference letter by December 29, 2022, and appear on January 5, 2023. (ECF No. 57.) The State respectfully proposes that the parties submit their joint pre-conference letter by January 12, 2023, and that the parties appear for the initial pretrial conference on January 19, 2023, at 9 a.m. This is the first request for such an adjournment. All Defendants consent to this request.

Second, for many of the same reasons, the State respectfully requests that the date for all Defendants to answer or otherwise respond to the Amended Complaint be extended by three weeks.¹ Currently, Defendants’ Answers are due on December 22, 2022. (See ECF No. 51.) The State is coordinating this request for all parties, with all Defendants’ consent, and proposes the following briefing schedule, in the event any Defendants move to dismiss the Amended Complaint:

¹ This Court allowed the State 30 days from the date of this Court’s ruling on the State’s Motion for Remand to address any service objections. (ECF No. 56.) The State consents to any Defendant’s desire to move to dismiss beyond that 30-day period based on Defendants’ joint representation that “All Defendants acknowledge that they have been properly served,” as received by email to the State earlier today.

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- Motion: January 12, 2023
- Opposition: February 9, 2023
- Reply: February 23, 2023

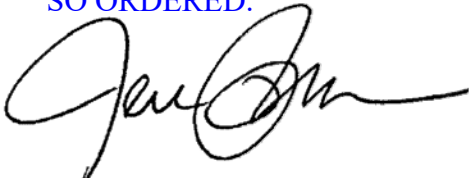
Although most Defendants have sought previous extensions on their time to respond to the State's Amended Complaint due to the State's then-pending Motion for Remand and those requests were granted, this is the first such request made following the Court's ruling on the State's Motion for Remand.

Finally, by way of an update, other than continuing to coordinate with Defendants during this pre-holiday period, including by conducting our Rule 26(f) conference on December 22, the State intends to file a Motion for a Preliminary Injunction. The State is working to coordinate a briefing schedule for its anticipated motion with Defendants, and the parties are exploring ways to narrow the issues or demands for particular types of relief by consent.

We thank the Court for its attention to this matter.

Application GRANTED as follows: The initial pretrial conference scheduled for **January 5, 2023** is hereby ADJOURNED to **January 18, 2023, at 9:00 a.m.** The parties' proposed briefing schedule (or, in the alternative, the answer deadline) is adopted. The Clerk of Court is directed to terminate ECF No. 68.

SO ORDERED.



December 19, 2022

Respectfully submitted,

/s/ Monica Hanna

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